

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA.

No. CR17-143-RSL

Plaintiff:

~~PROPOSED~~

ERICK ORLANDO PEREZ PEREZ

**PRELIMINARY ORDER OF
FORFEITURE**

Defendant

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Erick Orlando Perez Perez's ("the Defendant's") interest in the following property:

One Beretta Model 92FS 9mm semiautomatic handgun, serial number BER291556, and all associated ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified property is forfeitable pursuant to 21 U.S.C. § 853, as it facilitated the Defendant's commission of Possession of Methamphetamine with Intent to Distribute, and pursuant to 18 U.S.C. § 924(d)(1), as it was

involved in the Defendant's commission of Alien in Possession of a Firearm;
and,

- Pursuant to the plea agreement he entered on August 9, 2017, the Defendant agreed to forfeit the above-identified property pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1) (Dkt. No. 25, ¶ 13).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1), and his plea agreement, the Defendant's interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to the Defendant at the time he is sentenced; it will be made part of the sentence; and, it will be included in the judgment;

3) The United States Federal Bureau of Investigation, and/or its authorized agents or representatives, shall maintain the above-identified property in its custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code Section 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of this property as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall, to the extent possible, also provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the property must file a petition with the Court within 60 days of the first day of publication of the notice (which is 30 days from the last day of publication), or within 30 days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;

1 b. shall be signed by the petitioner under penalty of perjury; and,
2 c. shall set forth the nature and extent of the petitioner's right, title or interest
3 in the property, as well as any facts supporting the petitioner's claim and
4 the specific relief sought.

5 5) If no third-party petition is filed within the allowable time period, the
6 United States shall have clear title to the property, and this Preliminary Order shall
7 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

8 6) If a third-party petition is filed, upon a showing that discovery is necessary to
9 resolve factual issues it presents, discovery may be conducted in accord with the Federal
10 Rules of Civil Procedure before any hearing on the petition is held. Following
11 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
12 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
13 adjudication; and,

14 7) The Court will retain jurisdiction for the purpose of enforcing this
15 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
16 Forfeiture, and amending the Preliminary or Final Order as necessary pursuant to Fed. R.
17 Crim. P. 32.2(e).

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19 DATED this 21st day of November, 2017.

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23 THE HON. ROBERT S. LASNIK
24 UNITED STATES DISTRICT JUDGE

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2 Presented by:
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